

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

IN RE:)	
)	Case No. 09-71328
)	
SCOTT K. RENKEN)	Chapter 11
)	
)	Honorable Manuel Barbosa
)	
SCOTT K. RENKEN,)	
Plaintiff)	
)	
)	
Baytree National Bank & Trust,)	Adv. Proc. No.
Defendant)	

COMPLAINT TO AVOID PREFERENTIAL TRANSFER

Scott K. Renken, Debtor in Possession (hereinafter referred to as the “Debtor” or the “Plaintiff”) files this Complaint to Avoid Preferential Transfers against Baytree National Bank & Trust (the “Defendant”) and respectfully pleads as follows:

1. This adversary proceeding is brought pursuant to §§547, 550 and 1107 of Title 11, United States Bankruptcy Code (11 U.S.C.A. §§101 et. seq., hereinafter referred to as the “Code”) and Fed. R. Bankr. P. 7001.
2. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C.A. §§1334 and 157. Venue is proper pursuant to 28 U.S.C.A. §1409.
3. The Debtor filed his voluntary petition (the “Petition”) for relief under Chapter 11 of the Bankruptcy Code on February 27, 2009.
4. The Plaintiff is the duly acting and qualified debtor in possession in the above-styled Chapter 11 case.

5. Within 90 days of the date of filing of the Petition, the Debtor transferred the entirety of his interest in Green Hedge Properties L.L.C. (the "Transfer") to the Defendant on account of an antecedent debt, by order of the Circuit Court of Lake County Illinois entered on February 5, 2009, which Order is attached hereto as Exhibit "A".
6. The aforementioned Transfer was to or for the benefit of the Defendant.
7. The Transfer was made while the Debtor was insolvent.
8. The Transfer enabled the Defendant to recover more than it would have received as a creditor if (a) the case were a case under Chapter 7 of the Code, (b) the Transfer had not been made, and (c) the Defendant had received payment of its debt to the extent provided by the provisions of the Code.
9. The Transfer is avoidable by the Debtor pursuant to the provisions of §§547, 550 and 1107 of the Code.

WHEREFORE, the Debtor, respectfully requests an Order of this Court avoiding the Transfer it made to the Defendant, for judgment in this action against the Defendant with equitable relief in the return of Debtor's interest in Green Hedge Properties L.L.C., and for such other and further relief to which the Debtor may be entitled.

Respectfully submitted,

/s/Richard N. Golding
Attorney for the Debtor

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EXHIBIT “A”

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Baytree National Bank & Trust,)	Adv. Proc. No.
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ORDER AVOIDING PREFERENTIAL TRANSFER

CAME ON FOR CONSIDERATION by this Court the Complaint to Avoid Preferential Transfer (the “Complaint”) filed by Scott K. Renken, the Plaintiff and Debtor in Possession, which seeks to avoid the Transfer of his interest in Green Hedge Properties L.L.C. to Baytree National Bank & Trust ordered by the Circuit Court of Lake County, Illinois, entered on February 5, 2009. This Court having found that said Transfer is an avoidable preferential transfer under §§547, 550 and 1107 of the Code,

IT IS HEREBY ORDERED that Defendant turn over any and all interest in Green Hedge Properties, L.L.C., which Defendant acquired pursuant to the order of the Circuit Court of February 5, 2009, to the Debtor in Possession for inclusion as a part of the administrated estate.

Dated: _____

ENTERED: _____
Manuel Barbosa
United States Bankruptcy Judge